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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA

CRIM. ACTION NO. 95-30024-02

VERSUS

JUDGE ROBERT G. JAMES

WELTON WRIGHT

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On April 17, 2009, pursuant to 18 U.S.C. § 3582(c)(2), the Court issued a Ruling and Judgment [Doc. Nos. 644 & 645] reducing Defendant Welton Wright's ("Wright") term of imprisonment from 324 months to 262 months. On May 11, 2009, Wright filed a Notice of Appeal [Doc. No. 646], through counsel, and this matter was subsequently transferred to the United States Court of Appeals for the Fifth Circuit. However, the time for filing notice of appeal in a criminal case is ten (10) days from the entry of judgment or order from which appeal is taken. Fed. R. App. P. 4(b)(1)(A). Thus, Wright's Notice of Appeal was untimely filed.

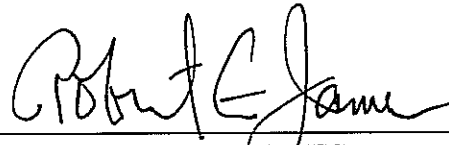
On July 8, 2009, the Fifth Circuit issued a limited remand to this Court for a determination under Federal Rule of Appellate Procedure 4(b)(4) whether Wright had good cause or excusable neglect for the filing of his late appeal. Accordingly,

IT IS ORDERED that Wright's counsel file a memorandum within one week of the date of this Memorandum Order stating the basis for the late filing of his Notice of Appeal.

Also, on July 8, 2009, the Court received a Motion for Reconsideration [Doc. No. 651] filed by Wright, *pro se*. As Wright is apparently represented by counsel, his *pro se* filing was improper. Further, until there has been a dismissal of his appeal the Court has no authority or jurisdiction to consider any substantive motions in this matter.

IT IS ORDERED that Wright's Motion for Reconsideration is DENIED.

MONROE, LOUISIANA, this 10th day of July, 2009.

A handwritten signature in black ink, appearing to read "Robert G. James", written over a horizontal line.

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE